

**CODE ENFORCEMENT BOARD**  
**City Commission Meeting Room**  
**100 North Andrews Avenue**  
**August 26, 2003**  
**10:00 A.M – 3:20 P.M.**

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**CUMULATIVE ATTENDANCE**

**From January, 2003**

**Present                    Absent**

**BOARD MEMBERS PRESENT:**

Pat Hale, Vice-Chairman	8	0
Larry Hayes	8	0
Gerald D. Jordan, Chairman	8	0
John Phillips	8	0
Rixon Rafter	6	2
Bobby Young	5	3
Jan Sheppard, Alternate	1	
Bruce Jolly, Attorney		

**BOARD MEMBERS ABSENT**

Sarah Horn	6	2
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**STAFF PRESENT**

Rose Reed, Code Supervisor  
Lindwell Bradley, Code Supervisor  
Assistant City Attorney  
Sylvia Dietrich, Service Clerk  
Mohammed Malik, Building Inspector  
Douglas Kurtock, Building Inspector  
Wayne Strawn, Building Inspector  
Ken Reardon, Building Inspector  
Robert Pignataro, Building Inspector  
Dallas Shumacher, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

**ALSO PRESENT**

Lucille Haynes (CE01060795)  
Sarah Morris (CE03011765)  
Adam Hodren (CE03011765)  
Paula Harrell (CE0304379)  
David Langlus (CE0304379)

**ALSO PRESENT (CONT'D)**

Paul A. Harrell (CE03030532)  
Irat Shojdair (CE03030532)  
Rafael Castanea (CE03040796)  
Michael Pitus (CE030080523)  
Christa Lakaschas (CE03022206)  
Richard Sepler (CE03032277)  
Richard Hawkins (CE03022277)  
Lloyd Brown (CE023091758)  
Steven Smith (CE02120345)  
Michael Powell (CE03050946)  
Jack Seiler (CE01100240)  
Heidi Davis (CE02062015)  
Tim Akers (CE03030662)  
Anthony Hatfield (CE02121828)  
Pandelis Danigos (CE03020405)  
David Williams (CE02091628)  
William Staffeld (CE01030696)  
Giulio Rubinetti (CE03040354)  
Alex Gary (CE03050226)  
Paul Brassington (CE09080128)  
John Williams (CE02082120)  
John Graffafeld (CE03031342)  
Larry Spring (CE03042172)  
Devindra Roy (CE03062263)  
Michael Kellaher (CE01110929)  
Gregory Winn (CE01110929)  
John Jackson (CE03010786)  
Kelli Ann McCormack (CE03050426)  
Germaine Theophile (CE03040968)  
Ricky Lewis (CE03070371)  
David Carriuzzo (CE03021155)  
Maria Gonzalez (CE03021864)  
Kim Longway (CE03021155)  
Stephen Riewe (CE03020870)  
Dick Coker (CE02061210)  
Dennis Almendares (CE03041438)

At 10:13 a.m. Chairman Jordan called the meeting to order. Roll call was taken and a quorum was present. Chairman Jordan explained the procedures the Board typically followed and introduced its members.

**NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.**

Chair Gerald Jordan explained that the cases regarding claim of liens would be heard first.

Bruce Jolly, attorney, stated that the purpose of this hearing was to authorize the City to proceed with further action once this Board made their determination that the violation had or had not been cured, and the length of time the violation was to be cured. Individuals had been notified of this hearing and can present their circumstances to the Board. Today, the Board was actually to determine if these properties had or had not been in compliance by the required dates.

John Phillips reiterated that this was not an opportunity to rehash old issues because these individuals had been given opportunities to present their cases, receive extensions, and remedy their situations. He felt that unless extenuating circumstances were presented, the cases should not be reopened.

### **Claims of Lien**

Rose Reed, Code Supervisor, proceeded to announce the claim of lien cases as follows:

### **Reference: CE03032277**

Sunset Colony Annex Inc.  
2600 SW 2 Court

Compliance Hearing

Ms. Reed announced that this case was originally heard on April 22, 2003 and was ordered into compliance by May 22, 2003. The Board had granted an extension to June 26, 2003 and on June 24, 2003 the Board denied any further extensions to be granted. She further stated that Wayne Strawn, Building Inspector, had signed an affidavit of non-compliance on July 18, 2003 and the property was not in compliance as of this date.

Wayne Strawn, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that this property was still in violation.

The Assistant City Attorney stated that as of this date, the property was still not in compliance. She further reiterated that Mr. Strawn had signed an affidavit of non-compliance on July 18, 2003.

Richard Seplar, President Sunset Colony Annex Inc., stated they were requesting an extension of the Board's determination. He explained the work was progressing and the work could be completed by the date of this Board's September meeting. He explained further that Mr. Hawkins, electrical contractor, was present with him at today's meeting and would be able to provide the status of today's meeting. He stated that the work could not be completed with the established time frame. Permits were obtained and the designs were approved.

Chairman Gerald Jordan stated that the case would not be reopened and asked if the property was in compliance.

Mr. Seplar stated the property was not in compliance, but that a number of the violations were improperly charged because much of the work was FPL's responsibility. That work has been done and now they could proceed forward with their work and were requesting a 30-day extension.

The Assistant City Attorney pointed out that this Board had previously heard requests for continuance in June, 2003, and the Board had refused any further extensions for compliance. She explained the Board was not present today to discuss the merits or validity of the violations, and the property owner had testified the property was not in compliance as of today's date. She reiterated that this Board today was to recognize that the property was not in compliance as of the date ordered.

Mr. Seplar stated that he had spoken with the City Attorney and asked if this Board could grant a further continuance so the work could be completed. He stated that he had been informed that it was up to this Board to decide the matter.

Chairman Gerald Jordan stated that the Appellate Court had stated: "The findings involved moderately complex issues, including whether the violation continues, how long it has continued, and whether there was any reason to reduce the per diem fine." He reminded the Board to ask themselves the above questions in regard to this matter.

Mr. Seplar reiterated that one of the violations was to design the rebuilding and that work had been completed. Another requirement was to obtain permits, and that also had been done. He stated they were to also replace the facility with one that would provide the strength and rigidity required which also had been done. Another order was for them to replace the infrastructure throughout which was in progress. Mr. Seplar further stated they were to remodel the electrical system so the service equipment would not exceed the required distance, and that was also done. They were to remodel the electrical system to provide the required mounting height at the pedestals and that too was work in progress.

Chairman Gerald Jordan proceeded to stop Mr. Seplar's testimony. He reiterated that the bottom line was that the work was not completed. He stated that the electrical contractor could provide testimony if he so desired.

Richard Hawkins, electrical contractor, stated that the conduits were being installed, and  $\frac{3}{4}$  of the work was done. The meter pedestals had been purchased and were on site, and FPL were to begin dropping their lines down the poles either tomorrow or Thursday. The work was progressing at this time, and he felt it would be abhorrent to stop the work now. He reiterated that the work would be completed by next month.

John Phillips asked why would it be abhorrent to stop the work. Mr. Hawkins reiterated that great effort had been put into this work and they were  $\frac{3}{4}$  of the way completed. Mr. Phillips reiterated that this Board could not stop the work. Chairman Jordan stated that a lien could be placed on the property, but the work could be completed.

The Assistant City Attorney reiterated that the City was not asking for any Order to stop the work, but wanted to file a lien against the property. She assumed they would continue with their work and bring the property into compliance, and once that was done they could arrange a meeting with staff and discuss settlement of the lien. She further stated that fines totaled \$19,200 as of today, but would continue to run until the property was in compliance. She reiterated that this Board did not entertain requests for abatement of fines until properties were in compliance. She further explained if the Board determined today that the property was not in compliance as of the date ordered by this Board, then the claim of lien would be signed and then recorded.

Mr. Strawn remarked that Mr. Seplar had been president of the previously owned corporation. Mr. Seplar explained that Sunset Colony Annex was separate from Sunset Colony Mobile Home Park, Inc. He stated there was a legal connection, but in the foreclosure action the Plaintiff moved to discharge the Receiver and a hearing was scheduled for September 8, 2003. Mr. Seplar stated that the Sunset Mobile Home Park had nothing to do with them, but dealt with the fact that the Receiver had not taken any actions. He reiterated that he had taken the necessary actions in regard to his property and they had spent \$75,000 in connection with the electrical work.

**Motion** made by Rixon Rafter and seconded by Pat Hale that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board unanimously agreed.

**Reference: CE1110929**

Mak Hotel Assoc. Ltd.  
2275 State Road 84

Compliance Hearing

Ms. Reed stated that this case had originally been heard on October 22, 2002 with compliance ordered by November 6 and 21, 2002. On November 26, 2002, the Board extended the compliance date to April 25, 2003. Wayne Strawn signed an Affidavit of Non-Compliance stating Sections FBC 104.1, FBC 3401.6, Sec. 9-280.6, and Sec. 9-280.H.(i) and reiterating that the property was not in compliance as of July 11, 2003.

Wayne Strawn, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that as of today's date the property was still not in compliance.

Mike Kellaheer, representing the property owner, stated that 95% of the violations had been complied with, and when they replaced the rails on the Villager Tower they had a delay with the fence company due to it being discovered at the time of inspection that the rails were 1/4" too far apart. He stated that replacement work took the company 2 months to replace it, and the matter involved some disagreements with the company and their work. He explained the issues had been resolved and work was being done.

The Assistant City Attorney stated that the property owner had admitted that the property was not in compliance as of the date ordered by this Board. The fines at this time total \$25,200 as of July 11, 2003.

Mr. Kellaheer continued stating that the railing was being replaced voluntarily since the structure was a hazard and was already 25 years old.

Mr. Strawn stated that he disagreed with Mr. Kellaheer because the railings were part of the violations and were in disrepair. He acknowledged the railings were being replaced and were a requirement in order to meet Code. He disagreed with the statement that the work was 95% complete, and felt they were over 50% complete.

There being no other individuals to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

John Phillips asked if the second level had been closed off. Mr. Kellaheer stated that the entire Villager had been closed down during the repair work.

Bob Young reiterated that this matter did not need to be discussed and the Board needed to just decide if the property was in compliance as of this time or not.

**Motion** made by Rixon Rafter and seconded by Pat Hale that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board unanimously agreed.

**Reference: CE99031783**

Michael Zuro  
515 Seabreeze Blvd.

Compliance Hearing

Ms. Reed announced that this case had originally been heard on May 25, 1999 with compliance ordered by August 23, 1999. Three extensions were given and the final date for compliance was November 27, 2001. The property came into compliance on November 27, 2001. Fines total \$79,600. She stated the City was requesting this Board to approve the claim of lien for this property.

Robert Pignataro, Building Inspector, stated the case number, address of the property and violations per the agenda. He reiterated that the property was not in compliance as of this date. He explained that signs also had to be removed from the property, and approximately 85% had been removed as of yesterday.

Dick Coker, attorney on behalf of the owner, stated that this matter involved two issues. One matter was the canvas awning which had been removed within the date ordered for compliance. He explained that the other issue was that the new restaurant, The Florida Tap Room, had changed the face of the signs without a permit. He explained the owner was in the process of getting the permits and a sign company was hired. Comments were made regarding the application which had been dated May, 2003. He reiterated that if this Board filed the claim of lien, they would lose jurisdiction in regard to this matter. He also stated they were requesting an abatement of fines.

Pat Hale asked when the property owner had first been notified regarding the signs. Mr. Pignataro explained that the inspector who had first handled this matter was no longer with the City. Ms. Reed explained that this case went back to 1999 and the original inspector had been Joe Pasquariello. She stated that the one section of the violations came into compliance on November 27, 2001, and the fines ran until that time in connection with the awning violation.

Mr. Coker reiterated that they were requesting the City not to put a lien on the property and permit them to file a Motion to abate the fines, and then they could come before the Board with a chronology of events, and then the Board could make their decision.

Mr. Rafter remarked that it took the owner 4 years to get before this Board.

The Assistant City Attorney stated the issue was whether this property was in compliance on the date ordered by this Board. If the owner complied by this afternoon, the property owner could call and the building inspector would go to the property and deem whether it was in compliance or not. She further stated that as soon as the Claim of Lien was filed and recorded by the City, then the way to resolve the matter was for

the property owner to enter into lien settlement negotiations with staff, and that would then be presented to the City Commission for resolution. She continued stating that the City was asking the Board to recognize the fact that the property was not in compliance by the date ordered by this Board.

Chairman Jordan stated that according to the wording of the Appellate Court, it stated: "...whether there was any reason to reduce the per diem fine in light of the attempts by the owner to comply."

The Assistant City Attorney stated that the Board could consider reducing the fine.

Mr. Phillips stated the Board should not consider the reduction of fines today since the work was not in full compliance. He suggested that the filing of the claim of lien could be postponed.

**Motion** made by Rixon Rafter and seconded by John Phillips that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Roll call showed: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Pat Hale and Jan Sheppard. NAYS: John Phillips and Gerald Jordan. Motion carried 5-2.

**Reference: CE02061210**

Michael Zuro  
515 Seabreeze Blvd.

Compliance Hearing

Ms. Reed stated that this case was originally heard on July 23, 2002 with compliance ordered by October 21, 2002. On October 22, 2002, the date for compliance was extended until December 21, 2002. As of July 14, 2003, the property was still not in compliance and an Affidavit of Non-Compliance was signed by Robert Pignataro, Building Inspector, in regard to a violation of FBC 104.1.2.7. The other violations were in compliance. Fines total \$18,050.00.

Robert Pignataro, Building Inspector, stated that the one-hour fire separation wall between the new restaurant and the dive shop were not in compliance. He stated that he had just been presented with drawings that were going to be submitted to the Building Department.



Dick Coker, attorney, asked if the only remaining violation pertained to the ceiling. Mr. Pignataro confirmed and stated the walls were in compliance. He added this was a life safety violation. He explained that one of the original problems had been that the City would not issue permits due to there being a parking problem. He explained there were five violations originally and this was the only one that remained not in compliance. He

further explained there was a legitimate disagreement between the architect and the inspector regarding whether this was required since there were no offices above. The only thing on the upper level was an opened wooden deck. He explained that the issue actually had been an interpretation of the Code. He explained further even though there were no offices above, the ratings between the parts of the building could not be changed.

Chairman Jordan reiterated that the property was still not in compliance as of today's date.

John Phillips suggested that possibly this matter should have gone before the Board of Adjustment. Chairman Jordan clarified that it would have involved the Board of Rules and Appeals. Mr. Phillips reiterated that they needed to maintain the integrity of the system.

The Assistant City Attorney stated that regardless of whether the property came into compliance today or next week, the fact remained that the property was not in compliance as of the date ordered by the Board. She reminded the Board that they were to recognize that the property was not in compliance by the date ordered.

Mr. Coker stated that the Assistant City Attorney was giving the Board a very narrow reading of this matter. Chairman Jordan again read from the Court documents as follows: "...whether there was any reason to reduce the per diem fine imposed in light of the attempts by the property owner to comply." He agreed it appeared limited.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Larry Hayes and seconded by Pat Hale that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Roll call showed: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Jan Sheppard, Pat Hale, and Gerald Gerald. NAYS: John Phillips. Motion carried 6-1.

**Reference: CE02082120**

Tarrymore Apartments, Inc.  
3115 Terramar Street

Compliance Hearing

Ms. Reed announced that this case had originally been heard on March 25, 2003 with compliance ordered by May 24, 2003. Robert Pignataro, Building Inspector, had signed an Affidavit of Non-Compliance stating that as of June 10, 2003, the property was still not in compliance.

The Assistant City Attorney stated that the amount of the fine was \$55,000. She explained that she wanted to provide some background information. She stated that the Compliance hearing was originally scheduled for the June 26<sup>th</sup> Board meeting, but on the 20<sup>th</sup> of June the property owner requested an emergency hearing which was granted to prevent the Board from holding the hearing in June. The property owner sought a Stay, but it was denied due to the fact that an Appeal had been filed. No compliance hearings were held in the month of July.

The Assistant City Attorney stated it was her understanding that the property owner wanted to argue that this Board did not have jurisdiction over the case. She clarified that the issue was whether this property was in compliance as of the date ordered by this Board. She further clarified that the issue as to whether the Board could proceed with such hearings had been determined by the Court previously, and the City could move forward.

Chairman Jordan reiterated that even if the property had not been in compliance by the date ordered, additional time due to these Court proceedings was available to the owner to bring the property into compliance.

Robert Pignataro, Building Inspector, stated that the property was not in compliance as of this time.

John Williams, officer of the corporation and attorney, stated that he was appearing today on a Motion to Dismiss this proceeding because the Board did not have jurisdiction over this matter. He stated the property was not in compliance with the legal Orders, and under the State Appellate decision the Orders were void.

Chairman Jordan stated this Board did not want to go down the "legal path."

Mr. Jolly stated he had received a copy of that motion and had read the portion of the Order in regard to what had been submitted to this Board. He stated that this Board had not divested themselves of jurisdiction to proceed. He reiterated that the Stay had been denied.

Mr. Williams stated he was not admitted to practice law in the State of Florida. He stated that he had been appointed attorney in this matter by the Judge. He stated they could not comply with illegal Orders. He stated he was present today to advise the Board regarding the law. He explained they were to comply with the Federal Civil Rights law Section 1983, Proceeding Without Jurisdiction.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Rixon Rafter and seconded by Pat Hale that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board unanimously agreed.

**Reference: CE03031342**

John Greenfield  
1220 Riverland Road

Compliance Hearing

Ms. Reed stated that this matter had originally been heard on April 22, 2003, and the fines began on June 21, 2003. The property was not in compliance as of this date. She explained she did not have the total of the fines but they were \$100 per day.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that this property was not in compliance as of the date ordered by this Board or as of today's date.

John Greenfield, owner, stated that this property housed his office. He explained these problems had been inherited, and he did not realize how long the permitting process would take. He announced that he was licensed in 14 states to do such contracting work.

**Motion** made by Bob Young and seconded by Rixon Rafter that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Roll call showed: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Pat Hale, and Gerald Jordan. NAYS: Jan Sheppard and John Phillips. Motion carried 5 – 2.

**Reference: CE03022206**

Christa Alban Lakaschus  
1467 SW 18 Avenue

Compliance Hearing

Ms. Reed announced that this case had originally been heard on May 27, 2003 with compliance ordered by July 27, 2003. Fines are in the amount of \$50 per day. The property came into compliance on August 22, 2003.

Kenneth Reardon, Building Inspector, stated the case number and property address. He further stated that the property was not in compliance on the date ordered by this Board. He explained that the City was requesting that a lien be filed to protect the money due the City. He announced that the respondent was not present at this time.

Mr. Reardon stated that he had informed the respondent that if they did not have any new evidence and they were in compliance, she would, therefore, not have anything to say to the Board. He advised that he had given her the phone number for John Simmons so they could meet and discuss the fine. Mr. Phillips remarked that had been premature thinking on Mr. Reardon's part.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Pat Hale asked if the property was not liened, could the matter of the fines still come before this Board.

The Assistant City Attorney stated the City was asking this Board to recognize the fact that this property was not in compliance as of the date ordered by this Board, but it was now in compliance.

Mr. Jolly stated he was concerned that the Respondent had not stayed for this hearing, but he did not think by the Board not taking action would not preclude the matter from coming back to this Board next month.

The Assistant City Attorney asked if this matter should be tabled until next month. Mr. Jolly remarked that it should be pulled. The Assistant City Attorney stated that this item was going to be withdrawn by the City.

**Reference: CE03040796**

Raphael Castaneda  
401 NW 13 Street

Compliance Hearing

Ms. Reed announced that this case had originally been heard on January 24, 2003 and the fines began on July 24, 2003. The violations still existed and the fines imposed were \$25 per day, and were approximately \$750.

Douglas Kurtock, Building Inspector, stated the property was not in compliance as of this date.

Raphael Castaneda, owner, stated that he had applied for an after-the-fact permit.

There being no other individuals who wished to speak on this item, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Rixon Rafter and seconded by Larry Hayes that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board unanimously agreed.

The Assistant City Attorney stated that she wanted to explain the process briefly at this time. She stated that a letter was sent to the property owners regarding the Compliance Hearings, and it gave the date and time for such hearing. She explained there was no requirement for the property owners to contact the City and state whether they were going to attend the hearings or not. She reminded the Board that this was a new process and the City was attempting to find out the best way to deal with the situation.

**Reference: CE02091758**

Elvira Brown  
1306 NW 11 Court

Compliance Hearing

Ms. Reed announced that this case had originally been heard on May 27, 2003 and the property was to come into compliance by July 26, 2003. As of this date, the property was still not in compliance. She stated that the fine imposed was \$100 per day and the total of the fines were approximately \$3,000.

Douglas Kurtock, Building Inspector, stated the property owner had problems getting a survey because of the infrastructure work that had been taking place in Lauderdale Manors.

Chairman Jordan stated that the property owner should have reappeared before this Board and advised them of the problems he was having. Mr. Kurtrock confirmed.

Lloyd Brown, owner, stated that he had attended a hearing in May and had received a 60 days to come into compliance. He explained that they were applying for an after-the-fact permit, but due to the work being done on the sewers, the property was inaccessible. He stated that a survey was finally done at the beginning of August and he had applied for the permit. He informed the Board that this had been a learning experience for him since he had been unaware of the procedure involved. He also stated that the shed was used strictly for storage and did not have any electricity.

There being no other individuals who wished to speak on this item, the public hearing was closed and discussion was brought back to the Board.

Bob Young asked if the shed had to be removed. Mr. Kurtrock stated that they only needed a permit for it.

**Motion** made by Rixon Rafter and seconded by Larry Hayes that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Roll call showed: YEAS: None. NAYS:

Bob Young, Larry Hayes, Rixon Rafter, Jan Sheppard, Pat Hale, and Gerald Jordan. (Mr. Phillips was absent during this vote.) Motion failed 0-6.

The Assistant City Attorney asked for the Board's finding that the property was still not in compliance.

Mr. Jolly stated that this was a two-step process. One step was to determine the property was not in compliance, and the other step was to authorize the City to record the lien. He suggested that no further action be taken by this Board today.

Mr. Phillips stated that once someone was cited for a violation, it was their duty to call the City and state that the property was in compliance, and an inspector would go out to the property. He further stated that the Massey decision technically was not binding on this Board.

The Assistant City Attorney stated that she had spoke with the attorney in Charlotte County and they were not holding Massey hearings, and had affidavits of non-compliance presented to the Board, and the second Order signed by the Chairman of the Board. Before the liens were recorded, letters were sent to the property owners notifying them of the hearing date.

**Reference: CE03010786**

James Lodge #83 Inc.  
670 NW 22 Road

Compliance Hearing

Ms. Reed announced that this matter had originally been heard on February 25, 2003. Fines began on March 27, 2003 and were \$150 per day.

Dallas Shumacher, Fire Inspector, stated the property was still not in compliance, but the Respondent was present today and he would schedule a final inspection with them at this time. He stated that they had not been able to gain access to the building in order to conduct an inspection. He added that this was an assembly occupancy issue.

John Jackson, President of St. James Lodge, stated that the store on the first floor had a key available so access could have been gained to the area.

Dallas Shumacher stated that someone had signed for the notice regarding the hearing.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Bob Young and seconded by Pat Hale that the claim of lien against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board unanimously agreed.

The Assistant City Attorney stated that this concluded the Compliance Hearings. She stated the City was requesting this Board to approve the filing of claims of liens for the remaining properties on the list provided to the Board. She stated the City was requesting that the Board determine that compliance was not timely made and that the City prepare, issue and record an Order of Lien for each of the cases for which Respondents were not present at today's hearing.

Rixon Rafter stated that in the past they had also received the amounts of fines which were due for each case.

The Assistant City Attorney stated that additional information would be supplied at today's afternoon hearing, and then the matters would be addressed.

**Reference: CE03062263**

David & Jiwani Roy  
729 NW 7 Terrace

FBC 104.1 – Work without permits;  
FBC104.2.5 – Electrical work without  
permits; FBC, M 401.2 – Site used for  
auto repairs, vehicles stored without  
ventilation; FBC 104.2.11 – Mechanical  
work without permits; FBC 3401.6 –  
Structure/fixtures in disrepair

Ms. Reed announced that Personal Service was made to Devon Roy by Inspector Strawn on July 29, 2003. Personal Service was also made to Vernon Kerr by Inspector Strawn on July 29, 2003.

Wayne Strawn, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a permit was issued for the installation of an overhead door. He recommended 30 days for compliance or a fine of \$50 per day, per violation would be imposed. Mr. Strawn stated that more than 30 days would be required, but suggested this amount of time be given and then the owner could return before the Board for an extension showing in good faith what work had been accomplished up to that time.

David Roy, owner, stated that drawings were submitted, and they would proceed with the life safety issues.

**Motion** made by Pat Hale and seconded by Larry Hayes to find in favor of the City and grant 30 days for the property to come into compliance or a fine of \$50 per day, per violation would be imposed. Board agreed unanimously.

**Reference: CE03040354**

Harold F. Oleck & Elaine Nydick  
2701 E. Commercial Blvd.

FBC 104.2.11 – Mechanical work without  
permits; FBC 104.2.5 – Electrical work without  
permits

Ms. Reed announced that Certified Mail had been sent to Harold & Elaine Nydick, signed, signature illegible, with no date on the green card, received back in Community Inspections on August 15, 2003.



Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement was reached with the owner for 120 days for compliance or a fine would be imposed of \$50 per day, per violation.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 120 days for the property to come into compliance or a fine of \$50 per day, per violation would be imposed. Board agreed unanimously.

**Reference: CE03042172**

Larry & Deborah Springs  
3013 NE 20 Ct.

Sec. 47-19.3.B – Boat lift not conforming to Code; FBC 104.1 – Work without permits.

Ms. Reed announced that Certified Mail had been sent to Larry and Deborah Springs and signed for on August 14, 2003 by Larry Springs.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement was reached for the property to come into compliance within 180 days or a fine would be imposed of \$50 per day, per violation.

Mr. Springs stated that he had inherited the violations, and was working on a resolution in regard to this matter.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and Grant 180 days for the property to come into compliance or a fine of \$50 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03020870**

Corrina Y. Louie Tr.  
& Stephen M. Riewe  
1340 SW 35 Avenue

FBC 104.1 – Work without permits; FBC 104.2.4 – Plumbing work without permits; FBC 104.2.5 – Electrical work without permits; FBC 104.2.11 – Mechanical work without permits; Sec. 9-279(f) – Plumbing waste line discharges to ground; Sec. 9-280(f) – Missing roof drain; Sec. 9-280(h)(1) – Fence in disrepair; Sec. 9-280(b) – Flora overgrowth on property;

Sec. 9-304(b) – Maintenance of parking area;  
FBC 3401.6 – Structure/fixtures in disrepair;  
Sec. 9-305(b) – Required ground cover; ULDR  
47-19.4. D.8. – Open dumpster enclosure  
gates

Ms. Reed announced that Personal Service had been made to Stephen Riewe by Inspector Reardon on August 13, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that Sections. 9-280(h)(1), FBC 3401.6, and ULDR 47-19.4. D.8. were in compliance. He stated that a verbal agreement had been reached with the property owner for the remaining violations to come into compliance within 120 days or a fine of \$100 per day, per violation would be imposed. Mr. Reardon added that this was a multi-apartment building.

Steve Riewe, owner, stated the violations were being remedied.

**Motion** made by Larry Hayes and seconded by John Phillips to find in favor of the City and grant 120 days for compliance or a fine of \$100 per day, per violation be imposed. Board unanimously agreed.

**Reference: CE03021155**

Kimberly K. Haeuser  
2940 SW 12 Avenue

FBC 104.9.3.1 – Expired permits

Ms. Reed announced that Personal Service had been made to Kimberly Haeuser by Inspector Donovan on July 26, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached with the owner and they would have 60 days to come into compliance or a fine of \$50 per day, per violation would be imposed.

Kim Haeuser, owner, stated that these permits had been obtained 5-7 years ago. She recently had hired an engineer and a contractor to help remedy the situation.

David Caruso, resident in the neighborhood, stated that he had been trying for 5 years to have this property be brought into compliance. A 6' wood fence had been constructed in 1997 and the City had made them cut it down to 2 ½', but then a chainlink fence had

been erected and vines grew on it which obscured the view of oncoming traffic at the corner. He added that Code Enforcement had done nothing regarding his complaints.

Mr. Reardon stated that permits had to be issued and then Code requirements had to be met before the Building Department would sign off. He added that the site triangle would have to be cleared.

**Motion** made by Pat Hale and seconded by Rixon Rafter to find in favor of the City and Grant 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously agreed.

**Reference: CE03050426**

Scott L. Bryan  
1660 SW 22 Ave.

FBC 104.1 – Work without permits

Ms. Reed announced that Certified Mail had been sent to Scott Bryan and signed for on July 26, 1003 by Meghan McCormack.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached with the owner for 60 days or a fine of \$25 per day would be imposed.

**Motion** made by Pat Hale and seconded by Larry Hayes to find in favor of the City and that 60 days be granted for compliance or a fine of \$25 per day be imposed. Board unanimously approved.

**Reference: CE03050226**

A S G Properties, Inc.  
1151 SW 29 St.

FBC 104.2.4 – Plumbing work without permits;  
FBC 104.2.5 – Electrical work without permits;  
FBC 104.1 – Work without permits

Ms. Reed announced that personal service had been made to Alexander Gary on July 18, 2003 by Inspector Reardon. Also, Certified Mail had been sent to ASG Properties, Inc. and signed for on July 26, 1003 by Gary.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached with the owner for 90 days or a fine of \$100 per day, per violation would be imposed.

Alexander Gary, owner, stated that he was in the process of evicting his present tenant and then he could get the work done to bring the property into compliance. He further stated that he had purchased this property as a triplex, but recently discovered it had not been converted legally. He added that he was going to convert it back to a duplex.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and grant 90 days for compliance or a fine of \$100 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03041438**

Dennis & Danelis Almendares  
1320 SW 28 St.

FBC 104.1 – Work without permits;  
FBC 104.9.3.1 – Expired permits

Ms. Reed announced that Certified Mail had been sent to Dennis & Danelis Almendaris and signed for on August 13, 2003 by Danelis Almendaris.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached with the owner for 90 days or a fine of \$25 per day, per violation would be imposed.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and grant 90 days for compliance or a fine of \$25 per day, per violation would be imposed. Board unanimously approved.

**Reference: CE03021864**

Sunlight Investments, Inc.  
2525 Davie Blvd.

FBC 104.1 – Work without permits

Ms. Reed announced that Certified Mail had been sent to Sunlight Investments and signed for on July 28, 2003 by Teresa Gonzalez. Certified Mail was also sent to Mary Harber (Officer of the Corporation) and signed for on August 7, 2003 by Mary Harber.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement was reached with the owner for 60 days or a fine of \$100 per day would be imposed.

Theresa Gonzalez, Secretary of Sunlight Investments, Inc., stated that the work was going to be done and they agreed to the terms of the agreement.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03050946**

Arthur Levinson  
2757 NE 20 St.

FBC 104.1 – Work without permits.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached for 120 days or a fine of \$100 per day would be imposed.

Michael Powell, owner's representative, stated he had a letter from the owner authorizing him to represent him at today's hearing. He stated that they agreed with the terms of the verbal agreement.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

**Reference: CE03040968**

Germaine Theophile  
1617 NW 5 Avenue

FBC 104.1 – Work without permits

Ms. Reed stated that Certified Mail had been sent to Germaine Theophile and signed for on July 11, 2003 by Germaine Theophile.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the City was asking for 60 days for compliance or a fine of \$25 per day be imposed. He added that 90 to 120 days would be more realistic because the owner had inherited the violations and would need direction to resolve the problems.

Germaine Theophile, owner, stated she had inherited the violation problems and added that she did not have additional money to invest in the properties. She stated that she would be able to fix the fence.

Chairman Jordan asked if the fence could be removed which would solve the problem. Ms. Theophile stated that the fence could be removed.

Rixon Rafter added that the owner of the property was responsible for correcting the code violations even though they had been inherited.

Pat Hale asked if these violations had been recorded. Mr. Kurtrock stated that he did not have such information. Ms. Hale asked if there were resources that could be made available to Ms. Theophile to assist in repairing her home.

Larry Hayes suggested that the owner contact Community Development, City of Fort Lauderdale. Mr. Kurtrock added that Broward County Housing Authority also had an assistance program available. Such information would be provided to the owner. Bob Young added that there was another program that could possibly assist this owner, and that was a program called Front Porch.

Ms. Theophile was advised that if the addition was removed, then her property would be in compliance, along with repairing or removing the fence.

**Motion** made by Pat Hale and seconded by Rixon Rafter to find in favor of the City and grant 120 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

**BREAK WAS TAKEN AT 12:27 A.M.**

**BOARD RECONVENED AT 1:09 P.M.**

Board members were introduced.

**All individuals wishing to speak on the cases to be heard were sworn in.**

**Reference: CE02062015**

Greg Aliferis Holdings, Inc.  
3045 N. Federal Hwy #70

Old Business

Ms. Reed announced that this case had originally been heard on October 22, 2002, and compliance ordered by February 19, 2003. On March 25, 2003, compliance was extended until June 23, 2003. Fines total \$19,200.

Lori Milano, Director Community Inspections, stated that the respondent was present regarding this property to answer any questions. She advised that staff had met with the attorney for the respondent, City Attorney's Office, and zoning and were working on some issues. She stated this was a complicated parking lot and some records had been identified regarding legitimate violations, but some issues under the Florida

Building Code would be established as non-fractions. However, the bottom line was that there were still issues under the Order which were still not in compliance. She stated the City was suggesting a 60-day extension which was requested by the applicant.

Heidi Davis, attorney for the owner, stated that this company owned lots 15 through 17 in the Coral Shopping Center. She stated this was an extremely complicated issue. She advised that this shopping center had not been created as a shopping center, but consisted of several different buildings. She explained this was a horseshoe shaped development and there were no permit records for this property. Other than the parking requirements, all violations had been cured, but due to the parking issue final inspections would not be conducted. She explained they were currently working with zoning, code enforcement, and the City Attorney's office in an attempt to work out a parking agreement with the City. She explained that no establishment in the development had parking, and there had been a lot of grandfathering for the site. She stated that the parking was owned by the Coral Shopping Center, Inc., and the businesses in the center paid a certain percentage of property taxes and maintenance in order to maintain the lot. She advised that her client paid a 10.185% fee to use and maintain the lot which was equivalent to 17.1 parking spaces. She explained that zoning was not recognizing this because the site had not been permitted as a shopping center. Therefore, they needed to enter into a parking agreement with the owners of the shopping center.

Ms. Davis further stated that the City was going to require every lot owner a change of use for that site to enter into an off-street parking agreement with the shopping center.

Rixon Rafter asked if the shopping center was amenable to this recommendation. Ms. Davis stated that her client was the "Culture Room," which was a nightclub and had been one for a long time. She explained this was only a night time use and did not conflict with the daytime use of the shopping center wherein the parking problem existed. She stated that the shopping center did not want this club, but the club had a liquor license and parking requirement which had been grandfathered in, and anyone else coming to the site would have to open a bar in that space.

Mr. Rafter asked if the 60-day extension would be enough time to solve the problem.

The Assistant City Attorney stated that this hearing was held at the property owner's request to extend the date of compliance for 60 days. The parking issue was not before this Board. She explained when an establishment did not have on-site parking, every other business in the City was required to obtain an off-site parking agreement. In the alternative, the owner had the ability to appear before the Board of Adjustment and request a variance so the lot could be used only for night time use. The owner chose not to do that, but if they cannot get the off-site agreement, that option still existed. She added that the City had no objection to the 60-day extension, and she believed the

building permit issues could be worked out in that time frame.

Ms. Milano stated they had discussed a further extension of time, but realized the Board preferred receiving updates on these situations, and they hoped 60 days would be enough time to resolve the matter. If the problem was not solved in that time frame, the Board would be updated and they could then decide if additional time was to be granted for compliance or not.

**Motion** made by Jan Sheppard and seconded by Larry Hayes to grant a 60-day extension for compliance. Board unanimously agreed.

**Reference: CE03030532**

Parkway Commerce Center Ltd.  
1919 NW 19 St. #104

Old Business

Ms. Reed announced that this case had originally been heard on May 27, 2003 with compliance ordered by August 25, 2003. Fines would start today.

Paula Harrell, property manager, stated that they had complied with 3 of the violations, only leaving 3 pending issues to be resolved. She stated she was requesting an extension of time, and also requesting that the fines be abated. She stated changes were being made to the plans that had been submitted and would show the installation of the required sprinkler heads.

Steve Paine, Fire Inspector, stated that they had no objection to an extension of time or the abatement of fines.

Chairman Jordan announced that the fines had not yet begun.

**Motion** made by Larry Hayes and seconded by Rixon Rafter to grant a 90-day extension of time for compliance, or a fine of \$100 per day, per violation would be imposed.

Bruce Jolly, attorney, stated that the Board did not need to include the fine considering that had been previously ordered on this case.

Mr. Jolly remarked that this Board had never previously included the fine regarding such an extension of time. He explained the owner was just seeking an extension of time for the 3 remaining violations. He stated the Board was not required to revisit the fines.

Chairman Jordan stated he saw no objection to the wording of the motion as stated.



Mr. Hayes stated that he would change his motion as follows:

**Motion** made by Larry Hayes and seconded by Rixon Rafter to find in favor of the City and grant a 90-day extension of time for compliance. Board unanimously agreed.

**Reference: CE03040379**

Parkway Commerce Center, Ltd.  
1919 NW 19 St.

Old Business

Ms. Reed announced that this case had originally been heard on April 22, 2003 with compliance ordered by June 21, 2003. Fines total \$48,750. Two violations were in compliance and those were NFPA 13 3-9.2 and NFPA 1 3-7.1.

Paula Harrell, property manager, stated that one of the violations was pending which was to obtain a building permit and install a fire-rated wall between the occupants. She advised that plans were submitted and approved, and the permit was issued today. She stated the client was requesting a 30-day extension of time to come into compliance, and also was requesting the abatement of fines.

Steve Paine, Fire Inspector, stated the City had no objection to a 30-day extension of time.

Bob Young returned to the meeting at approximately 1:33 p.m.

Chairman Jordan advised that there should be no request heard for an abatement of fines until the work was completed.

**Motion** made by Pat Hale and seconded by Larry Hayes to grant a 30-day extension for the property to come into compliance. Board unanimously approved.

**Reference: CE01030696**

William Staffeld  
15 SE 11 Ave.

Old Business

Ms. Reed stated that this case had originally been heard on April 24, 2001 with compliance ordered by May 22, 2001 and August 28, 2001. On October 23, 2001 the date for compliance was extended to February 20, 2002, and on March 26, 2002 time was extended to June 25, 2002. Compliance was on May 20, 2002 and August 20, 2002. Fines total \$13,025.

John Phillips returned to the meeting at approximately 1:35 p.m.

William Staffeld, owner, stated that he was requesting an abatement of fines since the property was in compliance. He explained that the fines had accrued due to the fact that he was too late to get on the Board's agenda and was not familiar with the City's procedure.

Robert Pignataro, Building Inspector, stated that the City's recommendation was for \$3,275 for fines.

Lori Milano, Director Community Inspections, stated that since the owner had made an effort to come into compliance, the fines had been reduced to 25%.

Mr. Phillips stated that this Board and the City needed to be fair and consistent, and that people made mistakes and why should an individual be punished if he was in compliance. He stated the fines should be completely abated due to extenuating circumstances.

Mr. Pignataro reminded the Board that this case was brought forward because the work had been started without permits. The owner then had to go through the normal process, and the City had reduced the fines.

Mr. Staffeld reiterated that the fines were due to the fact that he was unfamiliar with the City's procedure.

**Motion** made by Rixon Rafter and seconded by Pat Hale to accept staff's recommendation for a fine of \$3,275. Roll call showed: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Pat Hale and Jan Sheppard. NAYS: John Phillips and Gerald Jordan. Motion carried 5-2.

**Reference: CE01060795**

American Federated Title Corp.  
1951 NW 9 Ave.

Old Business

Ms. Reed stated that this case had originally been heard on October 23, 2001 and compliance ordered by December 22, 2001. The time was extended on January 22, 2002 until March 23, 2002. On March 26, 2002, the date was once again extended to May 26, 2002. Compliance was reached on May 1, 2002 and June 20, 2002. Fines total \$1500. She added that the City was recommending the \$1500 fine.

Lucy Haines, Property Manager, stated that she had not been aware of the fines and was requesting an abatement.

Robert Pignataro, Building Inspector, stated that the City was recommending a fine of \$1500. He pointed out that this case began in June, 2001 and was a commercial property.

The Assistant City Attorney stated that service had been made regarding this property. She remarked that this was an area of concern for the City, and the City wanted these property owners to maintain their properties.

Ms. Haines further stated that the tenant had gotten bad advice, and there were problems obtaining the permits.

The Assistant City Attorney stated that the notice of violation was sent on September 20, 2001 and was addressed to the Registered Agent of the corporation, but the signature was illegible. She added that the City was opposed to an abatement of fines.

**Motion** made Jan Sheppard and seconded by Bob Young to find in favor of the City and abate the fine to \$500. Roll call showed: YEAS: Bob Young, Larry Hayes, Rixon Rafter, John Phillips, Pat Hale, and Gerald Jordan. NAYS: Jan Sheppard. Motion carried 6-1.

**Reference: CE99080128**

Paul D. Brassington  
449 NE 01 Ave.

Old Businesss

Ms. Reed announced that this case had originally been heard on September 28, 1999 with compliance ordered by December 27, 1999. Compliance was made by May 23, 2000. Fines total \$7,350. City recommended the full fine of \$7,350.

Bob Young announced that he had a conflict of interest regarding this matter and could not participate in discussions or voting for this case.

Paul Brassington, owner, stated that there had been a problem with the fence which had been taken care of. Then, after several months of repairing various sections of the fence, the inspector had requested that a swing gate be installed. Finally, a permit was obtained and the fence was taken down and reinstalled.

Robert Pignataro, Building Inspector, stated that according to the history of this property 90 days had been granted to the owner in 1999 for the property to come into compliance. He advised that the problem began as a maintenance issue. He stated the property had some problems and the City was recommending the full amount of the fine.

**Motion** made by John Phillips and seconded by Jan Sheppard to find in favor of the City and to abate the fine to \$1500. Board unanimously approved.

**Reference: CE02091628**

Airmark Engines Inc.  
6001 NW 29 Ave.

Old Business

Ms. Reed announced that this case had originally been heard on October 22, 2002 with compliance ordered by April 22, 2003. On May 27, 2003, the date for compliance was extended to August 25, 2003. Compliance was met on August 13, 2003. Fines total \$1700.

David Williams, general manager, stated that they were requesting an abatement of fines due to the fact they had not been familiar with the City's procedure.

Steve Paine, Fire Inspector, stated that this case was Ivett Spence-Brown's case and she was in favor of the abatement of fines.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to abate all fines. Board unanimously approved.

**Reference: CE02121828**

Personal Jet Center, Inc.  
5401 E. Perimeter Rd.

Old Business

Ms. Reed announced that this case had originally been heard on January 28, 2003 with compliance ordered by March 29, 2003. On May 27, 2003, time was extended to July 26, 2003. Compliance was reached on July 16, 2003. Fines total \$14,100.

Tony Hatfield, Ground Service Manager, stated that they were requesting an abatement of fines. He explained that they had to prioritize the violations when they had been cited since they were a small business and did not have readily available funds to repair things all at once.

Steve Paine, Fire Inspector, stated this was Ivett Spence-Brown's case, and she had no objection to an abatement of fines.

**Motion** made by John Phillips and seconded by Pat Hale to abate the fine on this property. Board unanimously approved.

**Reference: CE03011765**

International Beach Hotel  
Development, Inc.  
909 Breakers Ave.

Old Business

Ms. Reed announced that this case had originally been heard on February 25, 2003 with compliance ordered by June 25, 2003. Fines total \$3,050.

Adam Hodkin, attorney on behalf of the owner, Breakers of Fort Lauderdale, stated the name of the owner on the agenda was wrong. He further stated that the Breakers still existed and was a time-share resort and was located next to the Bonnet House. He explained there was a retainer wall between the two properties and it needed to be repaired. One bid had only been received, and 3 bids were needed. They attempted to work with the Bonnet House, and were now requesting a 90-day extension. He stated they were also asking that the fines be stopped during this period of time.

Mr. Hodkin was advised that if an extension of time was granted, the fines would not run.

Sarah Morris, Property Manager, stated that in February it had been agreed that the Bonnet House and the Fort Lauderdale Beach Resort would use the same contractor, but that had changed since the wall was of historic significance and the Bonnet House was to obtain their own contractor. As of 3 weeks ago, the Bonnet House suggested that they use the same contractor. Pictures were shown of the wall in question. She further stated that they had agreed to obtain a proposal from the same contractor.

Mohammed Malik, Building Inspector, stated that he wanted to clarify that he had requested this owner to go to the City and rectify the situation regarding the listing of the property owner. Ms. Morris stated that she thought their corporate office had taken care of the problem. Mr. Malik further stated that the City had no objection to a 90-day extension of time.

**Motion** made by Rixon Rafter and seconded by Pat Hale to grant a 90-day extension of time. Board unanimously approved.

**Reference: CE03020405**

Regency Towers S. Condo Assoc.  
3750 Galt Ocean Drive

Old Business

Ms. Reed announced that this matter had originally been heard on May 27, 2003, with compliance ordered by July 26, 2003. Fines total \$1500. She further stated that the

owner was originally going to request an extension of time but now had come into compliance, and was requesting an abatement of fines. She stated that the City recommended a total of \$300 in fines.

Paul Dimigos, contractor, stated they were requesting abatement of all fines. He explained that on May 7, 2003 they had filed for a permit. He read from the Board's Order as follows: "...remove unpermitted work or engage a licensed architect or engineer and submit two sets of plans, engage a licensed contractor to obtain an after-the-fact permit."

Mohammed Malik, Building Inspector, stated that the property was in compliance, but permits had not yet been received.

The Assistant City Attorney stated that the City was recommending a fine of \$300.

**Motion** made by Pat Hale and seconded by Rixon Rafter to approve a fine of \$300. Board unanimously approved.

**Reference: CE03030662**

Blue Water Partners LLC  
& Green Akers LLC  
833 SW 30 St.

Old Business

Ms. Reed announced that this case had originally been heard on May 27, 2003 with compliance ordered by July 26, 2003. Fines total \$9,000.

Tim Akers, owner, stated that he had been unfamiliar with the City's procedure and was requesting an extension of time so as to rectify the problems.

Chairman Jordan reiterated that after the work was done, they could appear and request an abatement of fines.

**Motion** made by Rixon Rafter and seconded by John Phillips to approve a 60-day extension of time. Board approved unanimously.

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Bruce Jolly asked if he could be excused from the remainder of the meeting. Chairman Jordan suggested that the Board meet at 9:30 a.m. before the Board's September meeting in order to discuss the Massey hearings.

The Assistant City Attorney stated that notice would be provided stating that this Board was to have a workshop at 9:30 a.m. before their September meeting regarding the Massey hearings.

Larry Hayes stated there were additional liens on today's list, and asked if those could be postponed until next month after the Board receives additional information regarding these hearings.

The Assistant City Attorney reiterated the City preferred these be taken care of today and additional information, including affidavits of non-compliance, would be distributed to the Board.

Mr. Hayes reiterated that the lien amounts were unknown and the history of the cases had not been provided. The Assistant City Attorney emphasized that the case files were available and questions could be answered. She reiterated that notices had been sent to the property owners informing them of today's hearing, and therefore, they wanted those hearings held as specified. Mr. Rafter stated that the City had not informed the Board, and therefore, needed to educate them. Mr. Hayes reiterated that the Board did not like to vote on things where facts had not been supplied.

Mr. Jolly stated the previous format was different, but information was supplied to the Board. Mr. Rafter remarked he would not vote on anything he did not know the amount of, and stated that amounts had previously been supplied. The Assistant City Attorney stated the only difference was that individuals were being invited to attend the hearings as a result of the Massey hearing. She reiterated that information was available for the Board regarding the cases. She stated that approximate fines were known.

Chairman Jordan asked the Board what information they preferred to receive in the future regarding the Massey hearings. Mr. Hayes requested that a brief summary of the case be supplied to the Board, including the dates of the first citation. The Assistant City Attorney explained for them to provide a memo for 26 cases, and some of those individuals may not appear, would be very time consuming. Mr. Rafter stated that the City would have to decide what information would be presented.

Mr. Jolly suggested that the alternative would be to have the files available to the Board members and a synopsis of the cases provided.

Mr. Phillips suggested they could expand the list given to the Board and add some additional information, including an affidavit of compliance, date of final compliance, and the fine amount. Ms. Dietrich suggested attaching a copy of the fine sheet and case history to the list.

The Assistant City Attorney stated that the name of the inspector was important since he was the witness regarding compliance or non-compliance.

Chairman Jordan also requested that the language for the motion regarding the Massey hearings be provided to the Board.

Mr. Jolly left the meeting at approximately 2:36 p.m.

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Ms. Hale pointed out that one of the cases heard were on the claim of lien list. The Assistant City Attorney explained that a letter had been sent to that property owner regarding the Massey hearing, and also were placed on the agenda for an extension of time. She admitted this matter slipped through the cracks. She stated that the City would withdraw that case from the Massey hearing since the Board had granted an extension of time regarding compliance. Therefore, Case CE03011765 would be withdrawn from the Massey hearing list since it had appeared on the Board's agenda under old business requesting an extension of time.

The Assistant City Attorney further stated that the property owner regarding case CE01060795 had appeared requesting an abatement of fines. The Board had reduced the fine to \$500. Therefore, the City still wanted to hold the hearing to lien the property and suggested tabling it until next month.

Mr. Phillips stated that if fines were reduced and then individuals still did not pay the fines, a claim of lien ensured collection of those fines for the City. Chairman Jordan reiterated that he disagreed in some cases regarding claims of lien because that was a "shadow" on their property records and no bank would loan any monies to those owners. Mr. Rafter agreed that a claim of lien still hurt an individual's credit record and Chairman Jordan agreed that he could not do that to owners especially regarding small amounts. Mr. Rafter reiterated that an individual's credit was still impinged and suggested a letter be sent requesting payment of the fine.

Mr. Phillips stated that he felt the Board was treading on "dangerous water" because this Board was not to tell the City how to collect their fines. Mr. Rafter agreed. Mr. Phillips further stated that theoretically, the City should collect the fines the same day as the case was heard or by the following day.

Ms. Hale felt that someone from the City should have caught the cases that had appeared on both lists. The Assistant City Attorney stated she had not noticed that fact. She also stated that by abating the fine, the Board had recognized that the property was not in compliance as ordered by the Board. The City was asking for the Board to allow



them to place a lien on the property so as to collect the fines. The Assistant City Attorney also stated that the City had to wait 90 days from the recording of the lien to begin foreclosure proceedings. She added that the City did not initiate foreclosure proceedings in these cases.

Mr. Rafter disagreed and stated that one had recently been done by the City. The Assistant City Attorney explained they had not since a court action had been filed to prevent that, and that lien had been recorded before the Massey decision. Now, the property owners were requesting a Massey hearing which was going to be granted.

**Motion** made by John Phillips and seconded Pat Hale that the claim of lien against the remaining properties, excluding Cases CE01060795 and CE03011765, be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered. Board approved unanimously.

Jan Sheppard suggested that alternates for this Board also be invited to the workshop. The Board agreed.

**Reference CE03080512**

Blanton Land Trust #1001  
2901 NW 62 St

NFPA 101 7.9.2.2 – Emergency lights in disrepair; SFM 4A-48.005(2)(a) – Required fire alarm maintenance; NFPA 1 1-10.1 – Strobe lights in disrepair

Ms. Reed announced that Certified Mail had been sent to Blanton Land Trust #1001 and signed for on August 13, 2003 by D. Small.

Dallas Shumacher, Fire Inspector, announced that this was Inspector Ivett Spence-Brown's case, but he would be presenting the matter. He further stated that only one violation SFM 4A-48.005(2)(a) was not in compliance. He added that the City was requesting 30 days for compliance or a fine of \$200 per day be imposed.

**Motion** made by Larry Hayes and seconded by Pat Hale to find in favor of the City and order compliance in 30 days or a fine of \$200 per day would be imposed. Board unanimously approved.

**Reference: CE03080521**

McNab Industrial Plaza  
1300 W. McNab Rd.

NFPA 10 4-4.1 – Fire extinguisher maintenance; NFPA 1 1-10.1- Required fire protection

Ms. Reed announced that Certified Mail had been sent to McNab Industrial Plaza and signed for on August 14, 2003 by R. Capardo.

Dallas Shumacher, Fire Inspector, announced that this was Inspector Ivett Spence-Brown's case, but he would be presenting the matter. He further stated that the violations still existed on the property as listed on the agenda. He added the City was requesting 30-days to come into compliance or a fine of \$200 per day, per violation be imposed.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance in 30 days or a fine of \$250 per day, per violation would be imposed. Board unanimously approved.

**Reference CE03080523**

Pace Industries Inc.  
6720 NW 15 Way

NFPA 101 39.2.4.2 – Required second floor  
exit

Ms. Reed announced that Certified Mail had been sent to Glenn Waldman, Registered Agent, and signed for on August 13, 2003 by Z. Ross. Certified Mail was also sent to Pace Industries and signed for on August 13, 2003 by Asha Maharas. She further stated that Certified Mail had also been sent to Laura & Michael Piluso (officers of the Corporation) and signed for on August 13, 2003 by Asha Maharas.

Ms. Reed continued stating that the owners had entered into a Stipulated Agreement earlier today with Inspector Ivett Spence-Brown. The stipulated agreement called for 30 days to come into compliance or a fine of \$150 per day, would be imposed.

**Motion** made by Mr. Phillips and seconded by Ms. Hale to accept the terms of the Stipulated Agreement regarding this matter. Board approved unanimously.

**Reference: CE01100240**

John & Susan Storelli  
631 NE 18 Avenue

FBC 104.1 – Work without permits

Ms. Reed announced the case was continued to the October 28, 2003 meeting.

**Reference: CE02120345**

Steven M. Smith  
3232 SW 2 Avenue #107

FBC 104.1 – Work without permits;  
FBC 104.2.5 – Work with electrical permits

Ms. Reed announced that Certified Mail had been sent to Steven Smith and signed for by Steven Smith, no date on green card.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that a verbal agreement had been reached with the owner to bring the property into compliance in 120 days or a fine of \$50 per day, per violation be imposed.

**Motion** made by Pat Hale and seconded by Larry Hayes to find in favor of the City and order compliance in 120 days or a fine of \$50 per day, per violation, would be imposed. Board approved unanimously.

**Reference: CE03032545**

The Tennis Club  
Wingfield Condominium Inc.  
600 Tennis Club Dr.

FBC 104.1 – Work without permits;  
FBC 3401.6 – Structures/fixtures in disrepair;  
FBC 704.2 – Required fire rated separation;  
FBC 104.9.4.2 – Failure to adhere to plans and specifications

Ms. Reed announced that Certified Mail had been sent to The Tennis Club and signed for on August 13, 2003 by B. J. Kohlhorst. Certified Mail was also sent to K.C. Smith, Director, and signed for on August 15, 2003, signature illegible. Certified Mail was also sent to Jack Spink, Director, and signed for on August 16, 2003 by J. Spink.

Douglas Kurtok, Building Inspector, stated the case number, property address, and violations as listed on the agenda. He further stated the City was requesting 90 days to come in compliance or a fine of \$50.00 per day, per violation be imposed.

**Motion** made by Larry Hayes and seconded by Rixon Rafter to find in favor of the City and order compliance in 90 days or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

**Reference: CE03050328**

Frontier Properties LLC  
2300 NW 9 Court

FBC 104.1 – Work without Permits

Ms. Reed announced that Certified Mail had been sent to Frontier Properties LLC and signed for on July 28, 2003 by G. Marrero. Certified Mail was also sent to Spiegel and Utrera PA, Registered Agent, and signed for on July 28, 2003, signature illegible. Certified Mail was also sent to Gene Schroeder and signed for on July 28, 2003 by G. Marrero.

Douglas Kurtock, Building Inspector, stated the case number, property address, and violations as listed on the agenda. He further stated that the City was requesting 30 days for compliance or a fine of \$50 per day be imposed.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance in 30 days or a fine of \$50 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03050697**

Maria D. Rodriguez  
1118 NW 19 St.

FBC 104.1 – Work without permits

Ms. Reed announced that personal service had been made to Lillian Rodriguez by Inspector Kurtock on August 18, 2003.

Douglas Kurtock, Building Inspector, stated the case number, property address, and violations as listed on the agenda. He further stated that the City suggested 30 days for compliance or a fine of \$25 per day be imposed.

**Motion** made by Larry Hayes and seconded by Rixon Rafter to find in favor of the City and order compliance in 30 days or a fine of \$25 per day be imposed. Board unanimously approved.

**Reference: CE03051246**

Scott Herubin  
1413 NW 3 Ave.

FBC 104.1 – Work without permits;  
FBC 104.2.11 – Work without mechanical permits;  
FBC 104.2.4 – Work without plumbing permits;  
FBC 104.2.5 – Work with electrical permits

Ms. Reed announced that Certified Mail had been sent to Scott Herubin and signed for on August 13, 2003 by G. Marrero.

Douglas Kurtock, Building Inspector, stated the case number, property address, and violations as listed on the agenda. He further stated that the City was requesting 60 days for compliance or a fine of \$25 per day, per violation be imposed.

**Motion** made by Larry Hayes and seconded by Rixon Rafter to find in favor of the City and order compliance in 60 days or a fine of \$25 per day, per violation would be imposed. Board unanimously approved.

**Reference: CE03062272**

1600 NW 6 Ave Land Tr.  
Douglas Fleishman, TR  
1600 NW 6 Ave.

FBC 104.1 – Work without permits

Ms. Reed announced that Personal Service had been made to Doug Fleishman, Trustee, by Inspector Douglas Kurtrock on August 19, 2003. Certified Mail was also sent

to 1600 NW 6 Ave Land Trust and signed for on August 11, 2003 by Debbie Kohler.

Ms. Reed advised that the respondents had agreed to a Stipulated Agreement calling for compliance within 45 days or a fine of \$10 per day be imposed.

**Motion** made by John Phillips and seconded by Rixon Rafter to accept the terms of the Stipulated Agreement regarding this property. Board unanimously approved.

**Reference: CE03070371**

Sunrealm Investment Properties  
1416 NW 8 Ave.

FBC 104.1 – Work without permits;  
FBC 104.2.4 – Work without plumbing  
permits; FBC 104.2.5 – Work without  
electrical permits

Ms. Reed announced that Certified Mail had been sent to Sunrealm Investment Properties and signed for on August 16, 2003 by Ricky Lewis. Also Certified Mail had been sent to Ricky Lewis, Registered Agent, and signed for on August 16, 2003 by Ricky Lewis.

Douglas Kurtrock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that the City was recommending 60 days for compliance or a fine of \$25 per day, per violation be imposed.

**Motion** made by John Phillips and seconded by Larry Hayes to find in favor of the City and order compliance in 60 days or a fine of \$25 per day, be violation be imposed. Board unanimously approved.

**Reference: CE03071834**

Edmund Waterman  
721 NE 5 Terrace

FBC 104.1 – Work without permits;  
Sec.18 –27(a) - Overgrowth, trash and debris  
on property; 47-21.8 – Missing ground cover;  
9-306 – Structure in disrepair

Ms. Reed announced that Certified Mail had been sent to Edmund Waterman and signed for on August 6, 2003, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that violations 18-27(a), 47-21.8 and 9-306 were in compliance. He also stated the owner had applied for a permit

regarding the installation of a parking lot. He stated the City was recommending 30 days for compliance or a fine of \$50 per day be imposed.

**Motion** made by John Phillips and seconded by Larry Hayes to find in favor of the City and order compliance in 30 days or a fine of \$50 per day be imposed. Board unanimously approved.

**Reference: CE03071943**

Harry & Karen Williams  
1139 NW 5 Ave

FBC 104.2.11 – Work without the required  
mechanical permits; FBC 3401.6 – Structure/  
fixtures not maintained

Ms. Reed announced that Certified Mail had been sent to Harry & Karen Williams and signed for on August 8, 2003 by Harry Williams.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that FBC 3401.6 was in compliance. He further stated that the City was recommending 30 days for compliance or a fine of \$25 per day be imposed on the violation of FBC 104.2.11.

**Motion** made by John Phillips and seconded by Rixon Rafter to find in favor of the City and order compliance in 30 days or a fine of \$25 per day be imposed. Board unanimously approved.

**Cases Complied**

Ms. Reed announced that the following cases were in compliance:

CE99061409	CE03041988	CE03062564
CE02072217	CE03051366	CE03071272
CE02081375	CE03052245	CE03071273
CE03010289	CE02072217	CE03080423
CE03020936	CE03060830	

**Cases with No Service**

Ms. Reed stated that the following cases had no service:

CE02061228	CE03010394	CE03030070
CE02111210	CE03021874	CE03080155

**Cases To Be Rescheduled**

Ms. Reed stated that the following case was to be rescheduled:

CE03022088

**Motion** made by Rixon Rafter and seconded by Pat Hale to approve the Minutes of the July 22, 2003 meeting. Board unanimously approved.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to adjourn the meeting. Board unanimously agreed.

There being no further business before the Board, the meeting was adjourned at approximately 3:18 p.m.

\_\_\_\_\_  
Chairman, Code Enforcement Board

ATTEST:

\_\_\_\_\_  
Margaret A. D'Alessio,  
Recording Secretary

NOTE: The agenda associated with this meeting is incorporated into this record by reference.